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March 2, 2017

VIA ECF

Honorable Leda Dunn Wettre, U.S.M.J.  
United States District Court  
District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

RE: C.G.B., Plaintiff, v. AIDA SANTA LUCIA, VAROUJAN KHOROZIAN, KYLE KHOROZIAN, DEREK KHOROZIAN and JOHN DOES 1-5 (being agents, servants and employees of the above as a continuing investigation may reveal who are fictitiously named because their true identities are unknown), Defendants.

United States District Court  
District of New Jersey  
Civil Action No.: 2:15-cv-03401 (SDW-LDW)

Dear Judge Wettre:

Kindly accept this letter seeking leave to file a motion enforcing the settlement agreement placed on the record on December 9, 2016; imposing sanctions on defendants Varoujan Khoroziyan, Kyle Khoroziyan and the Estate of Derek Khoroziyan and their counsel for posting confidential documents on the public docket; and awarding counsel fees and costs.

The parties appeared in Court on December 9, 2016. Defendants Varoujan Khoroziyan and Kyle Khoroziyan were present in Your Honor's courtroom. Defendant Aida Santa Lucia appeared by telephone. All counsel were present. Having reached a settlement agreement, the terms of the settlement agreement were placed on the record and acknowledged by defendants Varoujan Khoroziyan, Kyle Khoroziyan, Aida Santa Lucia and their respective counsel.

On December 11, 2016, we circulated a Confidential Settlement Agreement and General Release memorializing the terms of settlement placed on the record on December 9, 2016. Having received no objections from defendants' counsel to the Confidential Settlement Agreement and General Release, our client executed the agreement on January 28, 2017. We provided the executed, notarized agreement to defendants' counsel on January 31, 2017. Again, we received no response and no objection from defendants' counsel.

Yesterday, March 1, 2017, we received a Confidential Settlement Agreement and General Release prepared by counsel for defendants Varoujan Khorozian, Kyle Khorozian and the Estate of Derek Khorozian. The Confidential Settlement Agreement and General Release prepared by counsel for defendants Varoujan Khorozian, Kyle Khorozian and the Estate of Derek Khorozian contains new and different terms than the terms agreed to on the record on December 9, 2016.

Today, counsel for defendants Varoujan Khorozian, Kyle Khorozian and the Estate of Derek Khorozian filed a "Motion to Seal Materials, Motion to Vacate Discovery Confidentiality Order" on the public PACER docket. (*See* Document 94). The motion contains documents that were marked subject to the Discovery Confidentiality Order in this matter and were to remain confidential. We requested that counsel take steps to remove the filing from the public docket but she has refused.

Defendants have not executed the Confidential Settlement Agreement and General Release agreed to on the record on December 9, 2016. This matter has been settled for almost three (3) months and tomorrow, March 3, 2017 is the extended deadline for consummation of the settlement. Accordingly, we respectfully request leave to file a motion seeking the following relief:

1. Enforcing the settlement agreement, the terms of which were placed on the record on December 9, 2016;
2. Imposing sanctions on defendants Varoujan Khorozian, Kyle Khorozian and the Estate of Derek Khorozian and their counsel;
3. Permanently sealing Document 94 in its entirety; and
4. Awarding counsel fees and costs.

Thank you.

Respectfully submitted,

s/ Donald F. Burke Jr.

Donald F. Burke Jr., Esquire

cc: Victoria Airgood, Esq., HILL WALLACK, LLP, VIA ECF  
Linton Turner, Esq., MAYFIELD, TURNER, O'MARA & DONNELLY P.C., VIA ECF